

**CITY COUNCIL  
ATLANTA, GEORGIA**

**04-R-0665**

**AN AMENDED RESOLUTION  
BY FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SITE LEASE AGREEMENT AS PROVIDED FOR IN THE MASTER LEASE AGREEMENT WITH METRO PCS GEORGIA, INC. TO CO-LOCATE COMMUNICATIONS EQUIPMENT ON AN EXISTING CITY OWNED COMMUNICATION TOWER TOGETHER WITH STRUCTURES SHOWN ON THE ATTACHED SITE PLANS FOR CERTAIN COMMUNICATIONS EQUIPMENT TO BE LOCATED AT FIRE STATION #30; AND FOR OTHER PURPOSES; ALL REVENUE GENERATED PLUS ESCALATIONS AS CALLED FOR IN THE MASTER LEASE SHALL BE DEPOSITED INTO THE GENERAL FUND, ACCOUNT, AND CENTER NUMBER 1A01-462201-B00001-GENERAL FUND/BUILDING RENTAL/REVENUE.**

**WHEREAS**, Metro PCS Georgia, Inc. requires antennas to provide services to its customers; and

**WHEREAS**, the City of Atlanta wishes to reduce the proliferation of communication towers within the City of Atlanta by encouraging co-location; and

**WHEREAS**, Metro PCS Georgia, Inc. desires to exercise a site lease agreement as provided for in their master lease agreement to lease and co-locate space and on an existing communications tower owned by the City and at Fire Station #30 located at 10 Cleveland Avenue, S.E. and

**WHEREAS**, the Director of the Office of General Services recommends that a contract be entered into with Metro PCS Georgia, Inc.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA GEORGIA,**

**SECTION 1:** That the Mayor or her designee is hereby authorized to execute a site lease and other contractual agreements with Metro PCS Georgia, Inc., to co-locate at Fire Station #30 antennas and to lease a portion of the site for certain communication equipment.

**SECTION 2:** That Metro PCS Georgia, Inc. shall make payments to the City in the amount of \$2,000 per month, \$24,000 per year for an initial term of (5) years, with the option to extend the term for three (3) additional successive five year periods; and

**SECTION 3:** That following the second year under any site lease, monthly rent payable under such site lease during each Renewal Term shall be equal to one hundred four percent (104%) of the Rent in effect for the last full calendar month immediately prior to the commencement of such subsequent year.

**SECTION 4:** That a Site Lease substantially in the form attached hereto and other contractual agreements are hereby authorized to be executed by the Mayor; and



**SECTION 5:** That the Site Lease and other contractual agreements shall not become binding on the City, and the City shall incur no obligation upon same until such master lease and other contractual agreements has been approved by the City Attorney as to form executed by the Mayor, sealed by the Municipal Clerk, and delivered to the contracting party.

**SECTION 6:** That all revenue generated shall be deposited into the appropriate Fund, Account, and Center number, 1A01-462201-B00001.

A true copy,

*Rhonda Daughia Johnson*  
Municipal Clerk, CMC

**ADOPTED** as amended by Council  
**APPROVED** by the Mayor

May 3, 2004  
May 11, 2004

## AMENDMENT FORM

Committee Finance / Executive

Page Number (s) 1

Ordinance I.D. # \_\_\_\_\_

Section (s) Caption – 13<sup>th</sup> line

Resolution I.D. # 04-R-0665

Section 6

DATE April 28, 2004

Amendment:

Caption – Thirteenth line: delete "B001" and insert "B00001".

Section 6: delete "B001" and insert "B00001".

*FWM*  
*5/13/04*

Date

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**04-*R*-0665**

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**WHEREAS**, Metro PCS Georgia, Inc. requires antennas to provide services to its customers; and

**WHEREAS**, the City of Atlanta wishes to reduce the proliferation of communication towers within the City of Atlanta by encouraging co-location; and

**WHEREAS**, Metro PCS Georgia, Inc. desires to exercise a site lease agreement as provided for in their master lease agreement to lease and co-locate space and on an existing communications tower owned by the City and at Fire Station #30 located at 10 Cleveland Avenue, S.E. and

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**SECTION 5:** That the Site Lease and other contractual agreements shall not become binding on the City, and the City shall incur no obligation upon same until such master lease and other contractual agreements has been approved by the City Attorney as to form executed by the Mayor, sealed by the Municipal Clerk, and delivered to the contracting party.

**SECTION 6:** That all revenue generated shall be deposited into the appropriate Fund, Account, and Center number, 1A01-462201-B001.

EXHIBIT B

TO THE MASTER LEASE AGREEMENT  
DATED DECEMBER 28, 2001,  
BETWEEN CITY OF ATLANTA, AS LANDLORD,  
AND METROPCS GEORGIA, INC.

Cell Site ID: ATL974  
State: Georgia  
City: Atlanta

City Site Name: Fire Station # 30  
Site Latitude/Longitude: 33-40-50/-84-23-22

LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease") is entered into this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, between the City of Atlanta, a body corporate and politic ("Landlord"), and MetroPCS Georgia, Inc., a Delaware corporation ("Tenant").

Incorporation of Master Lease. This Lease is a "Site Lease" as referenced in that certain Master Lease Agreement between Landlord and Tenant, dated December 28, 2001 (the "Master Lease"). All of the terms and conditions of the Master Lease are hereby incorporated herein by reference and made a part of hereof without the necessity of attaching hereto the original or any copy of the Master Lease. Unless expressly modified herein, the terms and conditions of the Master Lease shall govern with respect to the subject matter hereof, and, unless otherwise defined herein, capitalized terms used herein shall have the respective meanings ascribed thereto in the Master Lease.

Premises. The Premises leased by the Landlord to Tenant hereunder are as follows: [Site address and legal description to be provided as **Exhibit A-1.**]

Term. The initial term of this Lease shall commence and expire as set forth in Section 4.a. of the Master Lease. The Commencement Date is \_\_\_\_\_.

Rent. Rent hereunder shall be payable monthly in the amount of (\$2,000.00) per month.

Special Access Arrangements. Landlord hereby grants to Tenant a non-exclusive easement benefiting Tenant's interest in the Premises for reasonable and necessary pedestrian and vehicular ingress and egress, the installation of utilities serving the Premises and improvements thereon, and the maintenance and installation of guy wires and other such mechanisms required or recommended, over the property including improvements on the property of Landlord which surrounds the Premises. In this regard, Landlord shall also provide the Tenant any and all keys and or combinations to any locks to allow Tenant full access for purposes of Tenant's easement set forth in the immediately preceding sentence. Other special access requirements \_\_\_\_\_.

Landlord Contact for Emergency: Commission of Administrative Services 404-330-6351

Tenant Contact for Emergency: Jerry Donahue, W-770-256-3005 C- 770-256-3505

The parties have entered into this Lease as of the date first stated above.

ATTEST

BY LANDLORD  
CITY OF ATLANTA:

\_\_\_\_\_  
Municipal Clerk (City Seal)

\_\_\_\_\_  
Mayor

RECOMMENDED:

RECOMMENDED:

\_\_\_\_\_  
Director Office of General Services

\_\_\_\_\_  
Chief Operating Officer

RECOMMENDED:

RECOMMENDED:

\_\_\_\_\_  
Chief Procurement Officer

\_\_\_\_\_  
Chief Financial Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

ATTEST

BY TENANT  
METROPCS GEORGIA, INC.,  
a Delaware corporation

By: Craig Bean  
Name: CRAIG L. BEAN  
Title: VP Finance

By: Michael Jol  
Name: ALBERT S. LOVERDE  
Title: VP/GM

## **EXHIBIT A-1**

Page 1 of 3

### Site Address & Legal Description

#### Site Address:

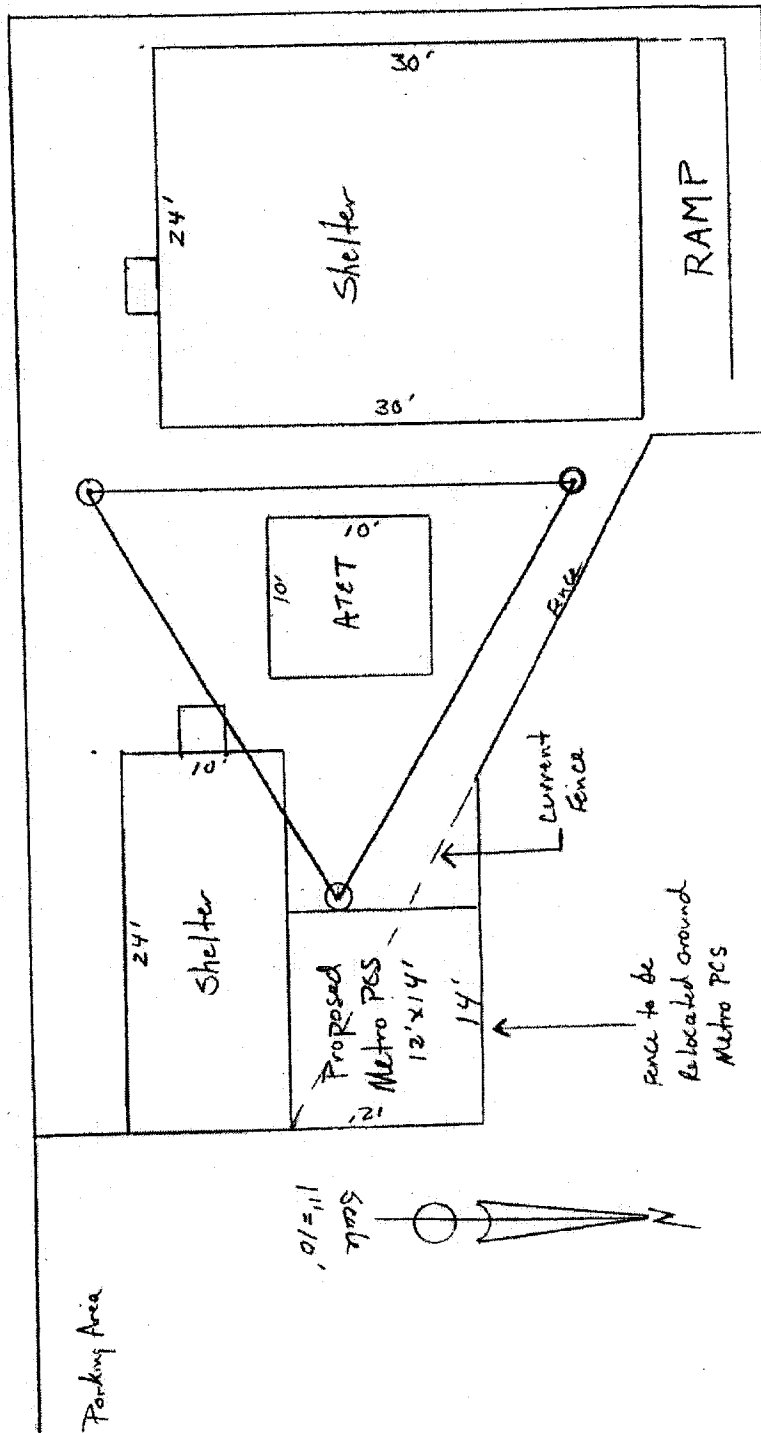
- City of Atlanta Fire Station # 30, 10 Cleveland Ave., Atlanta, GA

#### Legal Description:

- To be inserted once it is obtained by a Surveyor on behalf of Metro PCS.



ATL 974  
10 Cleveland Ave.  
Fire Station #30.



**EXHIBIT A-1**  
Page 3 of 3  
Tower Elevation Sketch

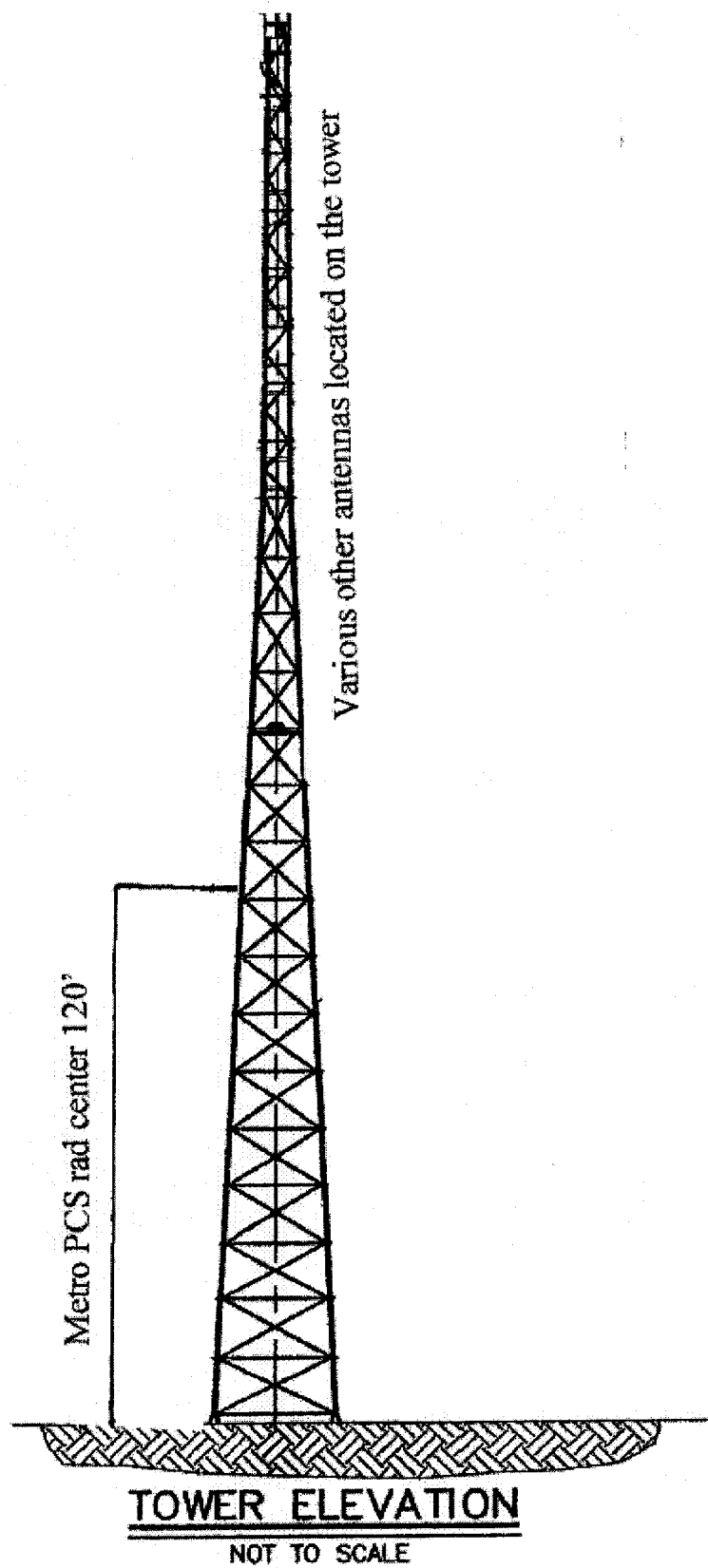


EXHIBIT C

COPY OF CITY COUNCIL RESOLUTION  
(attach)

TRANSMITTAL FORM FOR LEGISLATION  
(For Review & Distribution To Executive Management)

TO: MAYOR'S OFFICE ATTN: Greg Pridgeon, Chief of Staff

Commissioner/Director

Deborah Scott Brooks

Originating Department: Office of General Services

Contact Person: F.C. "Chick" Vossen x 6414

Committee(s) of Preview: Finance/Executive

Council Deadline

Committee Meeting Dates(s): April 28, 2004

Full Council Date: May 3, 2004

**CAPTION**

**A RESOLUTION**

**BY FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SITE LEASE AGREEMENT AS PROVIDED FOR IN THE MASTER LEASE AGREEMENT WITH METRO PCS GEORGIA, INC. TO CO-LOCATE COMMUNICATIONS EQUIPMENT ON AN EXISTING CITY OWNED COMMUNICATION TOWER TOGETHER WITH STRUCTURES SHOWN ON THE ATTACHED SITE PLANS FOR CERTAIN COMMUNICATIONS EQUIPMENT TO BE LOCATED AT FIRE STATION #30; AND FOR OTHER PURPOSES; ALL REVENUE GENERATED PLUS ESCALATIONS AS CALLED FOR IN THE MASTER LEASE SHALL BE DEPOSITED INTO THE GENERAL FUND, ACCOUNT, AND CENTER NUMBER 1A01-462201-B001-GENERAL FUND/BUILDING RENTAL/REVENUE**

**BACKGROUND**

Metro PCS Georgia, Inc. as provided in their master lease agreement is requesting to execute a site lease agreement at Fire Station #30. Metro PCS Georgia, Inc., will co-locate PCS Antennas at Fire Station #30.

**FINANCIAL IMPACT (if any)** This will generate \$24,000 per year for the General Fund.

***Mayor's Staff Only***

+++++  
Received by Mayor's Office: 4.12.04 Op Reviewed by: [Signature]  
(Date) (Initials) (Date)

Submitted to Council: \_\_\_\_\_  
(Date)

Action by Committee: \_\_\_\_\_ Approved \_\_\_\_\_ Adversed \_\_\_\_\_ Held \_\_\_\_\_ Amended  
\_\_\_\_\_ Substitute \_\_\_\_\_ Referred \_\_\_\_\_ Other

*[Handwritten marks]*

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(For Review & Distribution To Executive Management)

TO: MAYOR'S OFFICE ATTN: Greg Pridgeon, Chief of Staff

Commissioner/Director Deborah Scott Bracks/ro

Originating Department: Office of General Services

Contact Person: F.C. "Chick" Vossen

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***Mayor's Staff Only***

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(Date)

Reviewed by: \_\_\_\_\_  
(Initials) (Date)

Submitted to Council: \_\_\_\_\_  
(Date)

Action by Committee:    ☐ Approved    ☐ Adversed    ☐ Held    ☐ Amended  
                                 ☐ Substitute    ☐ Referred    ☐ Other



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(Do Not Write Above This Line)

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BY FINANCE/EXECUTIVE COMMITTEE

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TO ENTER INTO A SITE LEASE AGREEMENT  
AS PROVIDED FOR IN THE MASTER LEASE  
AGREEMENT WITH METRO PCS GEORGIA,  
INC. TO CO-LOCATE COMMUNICATIONS  
EQUIPMENT ON AN EXISTING CITY OWNED  
COMMUNICATION TOWER TOGETHER  
WITH STRUCTURES SHOWN ON THE  
ATTACHED SITE PLANS FOR CERTAIN  
COMMUNICATIONS EQUIPMENT TO BE  
LOCATED AT FIRE STATION #30; AND FOR  
OTHER PURPOSES: ALL REVENUE  
GENERATED PLUS ESCALATIONS AS  
CALLED FOR IN THE MASTER LEASE SHALL  
BE DEPOSITED INTO THE GENERAL FUND,  
ACCOUNT, AND CENTER NUMBER 1A01-  
462201-B001-GENERAL FUND/BUILDING  
RENTAL/REVENUE.

ADOPTED BY

MAY 3 2004

*As Amended*  
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

F. N. *Connelly*  
Date *4-28-04*  
Chair *John W. Sperry*

Action

Fav, Adv, Hold (see rev. side)  
*as amended*

Members

*As Amended*  
*HA Shad*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
MAY 3 2004

COUNCIL PRESIDENT PROTEM

CERTIFIED  
MAY 03 2004

*Richard H. ...*

MAYOR'S ACTION

APPROVED  
MAY 11 2004  
MAYOR